

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC LAMAR CROMER,

Plaintiff,

v.

Case No. 4:06-cv-136
HON. JANET T. NEFF

UNKNOWN CHANEY, et al.,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on November 13, 2006. Summons and complaints were issued for the defendants on March 13, 2007. The Michigan Department of Corrections refused to accept service of the summons and complaint on behalf of defendant Daniel Wilson because defendant was no longer an employee of the Michigan Department of Corrections (see docket #13). Plaintiff has failed to provide this Court with an address where defendant Daniel Wilson can be served with summons and complaint. Plaintiff has failed to effect service of the complaint against defendant Wilson within 120 days of the filing of his complaint as required by Federal Rule of Civil Procedure 4(m).

Accordingly, it is recommended that defendant Daniel Wilson be dismissed from this action.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich.

LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: February 10, 2009